

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: GADOLINIUM BASED
CONTRAST AGENTS PRODUCTS
LIABILITY LITIGATION

Case No. 1:08 GD 50000

MDL No. 1909

Judge Dan Aaron Polster

-----X	
Amenia Butler, Individually and as	:
Representative of the Estate of Scotty	:
Johnson, Deceased	:
<i>Plaintiff</i>	:
	:
v.	:
	:
Bayer Corporation; and Bayer Healthcare	:
Pharmaceuticals	:
	:
<i>Defendants</i>	:
-----X	

Case No. 1:09-gd-50069

MOTION TO COMPEL DEFENDANT FACT SHEET

COMES NOW Plaintiff Amenia Butler, Individually and as Representative of the Estate of Scotty Johnson, Deceased, and files her Motion to Compel Defendants' Fact Sheets.

On June 16, 2008, this Honorable Court entered Case Management Order No. 5 governing the form and schedule for the service a Defendant Fact Sheet ("DFS") to be completed by each Defendant. It was ordered that once Plaintiff provided a complete and good faith response to all question in the Plaintiff Fact Sheet ("PFS") to the best of his or her ability that each manufacturing Defendant is obligated to complete in good faith and serve upon Plaintiff a completed DFS and all responsive documents called for in the DFS, forth-five (45) days after receipt by that Defendant of a full and complete PFS.

On May 28, 2009, Plaintiff filed her initial Fact Sheet verifying product identification for all scans listed in her PFS thereby curing all deficiencies and properly supplementing her PFS with

respect to any and all information deemed lacking by Defendant. To date, Plaintiff has not received a Defendant Fact Sheet from any sales or distributor defendants named herein.

Therefore, Plaintiff requests that this Honorable Court order Defendants to comply with Case Management Order 5 and compel Defendants to provide a DFS within 10 days of this Court's signed Order.

Furthermore, Plaintiff's requests are proper and because Defendants have refused to comply with Case Management Order 5 as ordered, Plaintiff asks this Honorable Court to impose sanctions, attorneys' fees and costs incurred to Plaintiff for moving this motion.

DATED: March 16, 2010

Respectfully submitted,

MATTHEWS & ASSOCIATES

/s/

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically on March 16, 2010. Notice of this filing will be send to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/
JASON C. WEBSTER